

# BLAKELY SOKOLOFF TAYLOR & ZAFMAN LLP

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JUN 21 2005

## FACSIMILE COVER SHEET

Deliver to: Tse W. Chen, USPTO Art Group: 2116  
Facsimile No.: 703 872-9306 Date: June 21, 2005  
From: Thinh V. Nguyen, Reg. No. 42,034  
Our Docket No.: 42390P10577 Number of pages 4 including this sheet.  
Application No.: 09/822,684 Filing Date: 3/30/2001  
Docket Due Date(s): 6/30/2005

Enclosed are the following documents:

|   |   |
|---|---|
| <input type="checkbox"/> Amendment: _____ ( ____ pgs)                         | <input type="checkbox"/> Issue Fee Transmittal                                    |
| <input type="checkbox"/> Appeal Brief ( ____ pgs)                             | <input type="checkbox"/> Notice of Appeal   |
| <input type="checkbox"/> Application: _____<br>( ____ pgs) w/cover & abstract | <input type="checkbox"/> Petition for: _____                                      |
| <input type="checkbox"/> Assignment & Cover Sheet ( ____ pgs)                 | <input checked="" type="checkbox"/> Request for Continued Examination (RCE)       |
| <input checked="" type="checkbox"/> Certificate of Facsimile                  | <input type="checkbox"/> Reply Brief ( ____ pgs)                                  |
| <input type="checkbox"/> Continued Prosecution Application (CPA)              | <input type="checkbox"/> Request & Certification Under 35 USC 122(b)(2)(B)(i)     |
| <input type="checkbox"/> Declaration & POA ( ____ pgs)                        | <input type="checkbox"/> Request to Rescind Previous Nonpublication Request       |
| <input type="checkbox"/> Drawings: ____ sheets, ____ figures                  | <input type="checkbox"/> Response to Notice of Missing Parts & Formalities Letter |
| <input type="checkbox"/> Extension of Time: _____                             | <input type="checkbox"/> Response to Written Opinion ( ____ pgs)                  |
| <input checked="" type="checkbox"/> Fee Transmittal (in duplicate)            | <input type="checkbox"/> Terminal Disclaimer                                      |
| <input type="checkbox"/> IDS & PTO/SB/08 ( ____ pgs)                          | <input type="checkbox"/> Transmittal of Publication Fee Due                       |
| <input type="checkbox"/> Other _____  | <input type="checkbox"/> Transmittal Letter                                       |

### CERTIFICATE OF MAILING/TRANSMISSION (37 CFR 1.8A)

I hereby certify that this correspondence is being transmitted by facsimile on the date shown below to the United States Patent and Trademark Office.

Tu T. Nguyen 6/21/2005  
Date

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# **REQUEST FOR CONTINUED EXAMINATION (RCE) TRANSMITTAL**

Address to:  
Mail Stop RCE  
Commissioner for Patents  
P.O. 1450  
Alexandria, VA 22313-1450

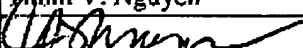
|                        |                |
|------------------------|----------------|
| Application No.        | 09/822,684     |
| Filing Date            | March 30, 2001 |
| First Named Inventor   | David Poisner  |
| Art Unit               | 2116           |
| Examiner Name          | Tsc W. Chen    |
| Attorney Docket Number | 42390P10577    |

**This is a Request for Continued Examination (RCE) under 37 C.F.R. § 1.114 of the above-identified application.**  
Request for Continued Examination (RCE) practice under 37 CFR § 1.114 does not apply to any utility or plant application filed prior to June 8, 1995, or to any design application. See Instruction Sheet for RCEs (not to be submitted to the USPTO) on page 2.

- Submission required under 37 C.F.R. § 1.114** Note: If the RCE is proper, any previously filed unentered amendments and amendments enclosed with the RCE will be entered in the order in which they were filed unless applicant instructs otherwise. If applicant does not wish to have any previously filed unentered amendment(s) entered, applicant must request non-entry of such amendment(s).
  - ☒ Previously submitted. If a final Office action is outstanding, any amendments filed after the final Office action may be considered as a submission even if this box is not checked.
    - ☒ Consider the amendment(s)/reply under 37 C.F.R. § 1.116 previously filed on May 27, 2005  
(Any unentered amendment(s) referred to above will be entered).
    - ☐ Consider the arguments in the Appeal Brief or Reply Brief previously filed on \_\_\_\_\_
    - ☐ Other \_\_\_\_\_
  - ☐ Enclosed
    - ☐ Amendment/Reply
    - ☐ Affidavit(s)/Declaration(s)
    - ☐ Information Disclosure Statement (IDS)
    - ☐ Other \_\_\_\_\_
- Miscellaneous**
  - ☐ Suspension of action on the above-identified application is requested under 37 C.F.R. § 1.103(e) for a period of months. (Period of suspension shall not exceed 3 months; Fee under 37 C.F.R. § 1.17(i) required)
  - ☐ Other \_\_\_\_\_
- Fees** The RCE fee under 37 C.F.R. § 1.17(e) is required by 37 C.F.R. § 1.114 when the RCE is filed.
  - ☒ The Director is hereby authorized to charge the following fees, or credit any overpayments, to Deposit Account No. 02-2666.
    - ☒ RCE fee required under 37 C.F.R. § 1.17(e) and any additional claims fee(s)
    - ☐ Extension of time fee (37 C.F.R. § 1.136 and 1.17)
    - ☐ Other: (\$00)
  - ☐ Check in the amount of \$790.00 enclosed
  - ☐ Payment by credit card (Form PTO-2038 enclosed)

**WARNING:** Information on this form may become public. Credit card information should not be included on this form. Provide credit card information and authorization on PTO-2038.

## **SIGNATURE OF APPLICANT, ATTORNEY, OR AGENT REQUIRED**

|                   |   |                                   |               |
|-------------------|---|-----------------------------------|---------------|
| Name (Print/Type) | Trinh V. Nguyen   | Registration No. (Attorney/Agent) | 42,034        |
| Signature         |  | Date                              | June 21, 2005 |

## **CERTIFICATE OF MAILING OR TRANSMISSION**

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June 21, 2005

|                   |              |      |               |
|-------------------|--------------|------|---------------|
| Name (Print/Type) | Tu T. Nguyen | Date | June 21, 2005 |
| Signature         |              |      |               |

Based on PTO/SB/30 (09-03) as modified by (Bakoly, Sokoloff, Taylor & Zafman (w/)) 02/10/2004.  
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**FEE TRANSMITTAL  
for FY 2005***Patent fees are subject to annual revision.**Complete if Known*

|                      |                |
|----------------------|----------------|
| Application Number   | 09/822,684     |
| Filing Date          | March 30, 2001 |
| First Named Inventor | David Poisner  |
| Examiner Name        | Tse W. Chen    |
| Art Unit             | 2116           |
| Attorney Docket No.  | 42390P10577    |

☐ Applicant claims small entity status. See 37 CFR 1.27.**TOTAL AMOUNT OF PAYMENT** (\$) 790.00**METHOD OF PAYMENT** (check all that apply)

☐ Check ☐ Credit card ☐ Money Order ☐ None ☐ Other (please identify): \_\_\_\_\_

☒ Deposit Account Deposit Account Number: 02-2666 Deposit Account Name: Blakely, Sokoloff, Taylor & Zafman LLP

For the above-identified deposit account, the Director is hereby authorized to: (check all that apply)

☒ Charge fee(s) indicated below ☐ Charge fee(s) indicated below, except for the filing fee

☒ Charge any additional fee(s) or underpayment of fee(s) under 37 CFR §§ 1.16, 1.17, 1.18 and 1.20. ☒ Credit any overpayments

**FEE CALCULATION**

| Large Entity   |          | Small Entity |          | Fee Description  | Fee Paid        |
|--|----------|--------------|----------|--|-----------------|
| Fee Code   | Fee (\$) | Fee Code     | Fee (\$) |  |                 |
| 1051   | 130      | 2051         | 65       | Surcharge - late filing fee or oath                              |                 |
| 1052   | 50       | 2052         | 25       | Surcharge - late provisional filing fee or cover sheet.          |                 |
| 2053   | 130      | 2053         | 130      | Non-English specification  |                 |
| 1251   | 120      | 2251         | 60       | Extension for reply within first month                           |                 |
| 1252   | 450      | 2252         | 225      | Extension for reply within second month                          |                 |
| 1253   | 1,020    | 2253         | 510      | Extension for reply within third month                           |                 |
| 1254   | 1,590    | 2254         | 795      | Extension for reply within fourth month                          |                 |
| 1255   | 2,160    | 2255         | 1,080    | Extension for reply within fifth month                           |                 |
| 1401   | 500      | 2401         | 250      | Notice of Appeal   |                 |
| 1402   | 500      | 2402         | 250      | Filing a brief in support of an appeal                           |                 |
| 1403   | 1,000    | 2403         | 500      | Request for oral hearing   |                 |
| 1451   | 1,510    | 2451         | 1,510    | Petition to institute a public use proceeding                    |                 |
| 1460   | 130      | 2460         | 130      | Petitions to the Commissioner                                    |                 |
| 1807   | 50       | 1807         | 50       | Processing fee under 37 CFR 1.17(q)                              |                 |
| 1806   | 180      | 1806         | 180      | Submission of Information Disclosure Stmt                        |                 |
| 1809   | 790      | 1809         | 395      | Filing a submission after final rejection (37 CFR § 1.129(a))    |                 |
| 1810   | 790      | 2810         | 395      | For each additional invention to be examined (37 CFR § 1.129(b)) |                 |
| Other fee (specify) <u>Request for Continued Examination</u> |          |              |          |  | 790.00          |
|  |          |              |          | <b>SUBTOTAL (2)</b>  | <b>(790.00)</b> |

**SUBMITTED BY***Complete (if applicable)*

|                   |   |                                   |          |           |                |
|-------------------|---|-----------------------------------|----------|-----------|----------------|
| Name (Print/Type) | Thinh V. Nguyen   | Registration No. (Attorney/Agent) | 42,034   | Telephone | (714) 557-3800 |
| Signature         |  | Date                              | 06/21/05 |           |                |

Based on PTO/SB/17 (12-04) as modified by Blakely, Sokoloff, Taylor & Zafman (w/1) 12/15/2004.  
 SEND TO: Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450

|  |  |                          |                     |             |
|--|--|--------------------------|---------------------|-------------|
| <b>FEE TRANSMITTAL</b><br><b>for FY 2005</b><br><small>Patent fees are subject to annual revision.</small> |  | <i>Complete if Known</i> |                     |             |
|  |  | Application Number       | 09/822,684          |             |
| <input type="checkbox"/> Applicant claims small entity status. See 37 CFR 1.27.                            |  | Filing Date              | March 30, 2001      |             |
|  |  | First Named Inventor     | David Poisner       |             |
|  |  | Examiner Name            | Tse W. Chen         |             |
|  |  | Art Unit                 | 2116                |             |
| TOTAL AMOUNT OF PAYMENT (\$)   |  | 790.00                   | Attorney Docket No. | 42390P10577 |

|   |  |
|---|--|
| <b>METHOD OF PAYMENT</b> (check all that apply)   |  |
| <input type="checkbox"/> Check <input type="checkbox"/> Credit card <input type="checkbox"/> Money Order <input type="checkbox"/> None <input type="checkbox"/> Other (please identify): _____    |  |
| <input checked="" type="checkbox"/> Deposit Account Deposit Account Number: <u>02-2666</u> Deposit Account Name: <u>Blakely, Sokoloff, Taylor &amp; Zafman LLP</u>                                |  |
| For the above-identified deposit account, the Director is hereby authorized to: (check all that apply)  |  |
| <input checked="" type="checkbox"/> Charge fee(s) indicated below <input type="checkbox"/> Charge fee(s) indicated below, except for the filing fee   |  |
| <input checked="" type="checkbox"/> Charge any additional fee(s) or underpayment of fee(s) under 37 CFR §§ 1.16, 1.17, 1.18 and 1.20. <input checked="" type="checkbox"/> Credit any overpayments |  |

| Large Entity   |          | Small Entity |          | Fee Description  | Fee Paid |
|--|----------|--------------|----------|--|----------|
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| 1806   | 180      | 1806         | 180      | Submission of Information Disclosure Stmt                        |          |
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| 1810   | 790      | 2810         | 395      | For each additional invention to be examined (37 CFR § 1.129(b)) |          |
| Other fee (specify) <u>Request for Continued Examination</u> |          |              |          |  | 790.00   |
| SUBTOTAL (2)   |          |              |          |  | 790.00   |

|                     |   |                                   |                |
|---------------------|---|-----------------------------------|----------------|
| <b>SUBMITTED BY</b> |   | <i>Complete (if applicable)</i>   |                |
| Name (Print/Type)   | Thinh V. Nguyen   | Registration No. (Attorney/Agent) | 42,034         |
| Signature           |  | Telephone                         | (714) 557-3800 |
|                     |   | Date                              | 05/21/05       |

Based on PTO/59/17 (12-04) as modified by Blakely, Sokoloff, Taylor & Zafman (w/0) 12/15/2004  
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